

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

ATTORNEYS:

Jennifer Leigh Blackwell, Esq.

Peter Mason, Esq.

United States Department of Justice, Criminal Division

Ronald Sharpe, United States Attorney

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United States Attorney's Office

St. Thomas, VI

For the United States of America,

Daniel Louis Cevallos

Cevallos & Wong LLP

Philadelphia, PA

For defendant Louis Milton Willis.

ORDER

GÓMEZ, J.

Before the Court are the defendant's motion to continue the trial and pre-trial dates and the defendant's application for waiver of his speedy trial rights. For the reasons stated herein, the time to try this case is extended up to and including January 15, 2015.

Following the May 8, 2014, filing of the indictment in this matter, the Magistrate Judge entered a trial management order setting a deadline of June 2, 2014, for the filing of motions. Trial was set for June 30, 2014. Defendant Louis Willis ("Willis") attempted to retain attorney Treston Moore as his counsel. Attorney Moore

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indicated that he and Willis are unable to come to an agreement regarding a retainer. On June 10, 2014, the Magistrate Judge appointed the Federal Public Defender to act as Willis's counsel. Shortly thereafter, on June 19, 2014, the Public Defender was relieved, and new counsel was appointed. Current counsel has indicated that a great deal of complicated financial discovery and analysis may need to take place. Additionally, the government has already provided thousands of documents spanning several years which counsel must review.

While the Speedy Trial Act requires that a defendant be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice for several reasons. First, an extension is necessary to allow newly appointed counsel to file what motions, if any, counsel deems necessary to Willis's defense. Second, the defendant made this request with the advice and consent of counsel. Third, without an extension of time, defense counsel may not have adequate time to review voluminous discovery and to prepare for trial.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an ends of justice continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994)(citing *United States v. Dotta*, 33 F.3d 1179(9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial...even

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though a case is not complex")); see also *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982), cert. denied, 460 U.S. 1071 (1983) (no abuse of discretion where district court found that multiple count, multiple defendant "case was complex and required additional time for adequate preparation."); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("district court did not abuse its discretion [by delaying trial] to give counsel ... opportunity to...decid[e] upon and prepar[e] an appropriate defense.")

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through January 15, 2015, shall be excluded in computing the time within which a trial must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the omnibus hearing in this matter, previously scheduled for July 28, 2014, is **RESCHEDULED** to commence promptly at 9:00 AM on October 27, 2014; and it is further

ORDERED that the trial in this matter, previously scheduled for August 11, 2014, is **RESCHEDULED** to commence promptly at 9:00 AM on November 3, 2014.

s_____
Curtis V. Gómez
District Judge